

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 647

Introduced by Christensen, 44.

Read first time January 21, 2009

Committee: Urban Affairs

A BILL

- 1 FOR AN ACT relating to cities and villages; to provide requirements
- 2 for notice to property owners of annexation proceedings.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A city of the first or second class or
2 village shall provide written notice of a proposed annexation to
3 the owners of property within the area proposed for annexation in
4 the manner set out in this section.

5 (2) Initial notice of the proposed annexation shall be
6 sent to the owners of property within the area proposed for
7 annexation by regular United States mail, postage prepaid, to the
8 address of each owner of such property as it appears in the
9 records of the office of the register of deeds, postmarked at least
10 ten working days prior to the planning commission public hearing
11 on the proposed change with a certified letter to the clerk of
12 any sanitary and improvement district if the annexation includes
13 property located within the boundaries of such district. Such
14 notice shall describe the area proposed for annexation, including a
15 map showing the boundaries of the area proposed for annexation, and
16 shall contain the date, time, and location of the planning board
17 hearing and how further information regarding the annexation can
18 be obtained, including the telephone number of the pertinent city
19 or village official and an electronic mail or Internet address if
20 available.

21 (3) A second notice of the proposed annexation shall be
22 sent to the same owners of property who were provided with notice
23 under subsection (2) of this section. Such notice shall be sent
24 by regular United States mail, postage prepaid, to the owner's
25 address as it appears in the records of the office of the register

1 of deeds, postmarked at least ten working days prior to the city
2 council or village board public hearing on the annexation. Such
3 notice shall describe the area proposed for annexation, including
4 a map showing the boundaries of the area proposed for annexation,
5 and shall contain the date, time, and location of the city council
6 or village board hearing and how further information regarding
7 the annexation can be obtained, including the telephone number of
8 the pertinent city or village official and an electronic mail or
9 Internet address if available.

10 (4) No additional or further notice beyond that required
11 by subsections (2) and (3) of this section shall be necessary if
12 the scheduled planning commission or city council or village board
13 public hearing on the proposed annexation is adjourned, continued,
14 or postponed until a later date.

15 (5) Except for a willful or deliberate failure to cause
16 notice to be given, no annexation decision made by a city of the
17 first or second class or village to accept or reject a proposed
18 annexation, either in whole or in part, shall be void, invalidated,
19 or affected in any way because of any irregularity, defect, error,
20 or failure on the part of the city or village or its employees
21 to cause notice to be given as required by this section if a
22 reasonable attempt to comply with this section was made. No action
23 to challenge the validity of the acceptance or rejection of a
24 proposed annexation on the basis of this section shall be filed
25 more than one year following the date after the formal acceptance

1 or rejection of the annexation by the city council.

2 (6) Except for a willful or deliberate failure to cause
3 notice to be given, the city of the first or second class or
4 village and its employees shall not be liable for any damage to
5 any person resulting from failure to cause notice to be given
6 as required by this section if a reasonable attempt was made to
7 provide such notice. No action for damages resulting from the
8 failure to cause notice to be provided as required by this section
9 shall be filed more than one year following the date after the
10 formal acceptance or rejection of the proposed annexation, either
11 in whole or in part, by the city council.

12 (7) For purposes of this section, owner means the owner
13 of a piece of property as indicated on the records of the office
14 of the register of deeds as provided to or made available to
15 the city of the first or second class or village no earlier than
16 the last business day before the twenty-fifth day preceding the
17 planning commission public hearing on the annexation proposed for
18 the subject property.